

And a bill to change the south boundary line of Smith county.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, have examined the following bills :

A bill for the relief of James Jennings.

A bill making a further appropriation for furnishing the Governor's Mansion.

A bill to authorize the Commissioner of the General Land Office, to issue patents upon surveys made not in the form required by law, and reported the same correctly-enrolled, properly signed and this day presented to the Governor.

Mr. Townes, from the committee on Enrolled Bills, reported that the committee had examined a bill appropriating ten thousand dollars or so much thereof as may be necessary to pay the expenses incurred by Capt. Tobin's company, and find the same correctly enrolled, duly signed and this day presented to the Governor.

A bill for the relief of the heirs of Philip Weppeler, deceased. Read 2nd time and rejected by the following vote :

YEAS—Messrs. Erath, Harman, Pitts, Potter, Scarborough, Schleicher, Throckmorton, Townes and Walker—10.

NAYS—Messrs. Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Hart, Herbert, Lott, Parsons, Quinan, Rains, Rainey and Sims—14.

A bill to amend the ninth section of the act of May 13th, 1856, defining the duties of district attorneys.

On motion of Mr. Potter, was laid on the table.

On motion of Mr. Gentry, the Senate adjourned until 10 o'clock, A. M., to-morrow.

FRIDAY, January 13th, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. J. W. Kinney—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Fall, chairman of the committee on Engrossed Bills, reported the following bill correctly engrossed.

A bill to amend the fourth and eighth sections of an act, defining the duties of the Attorney General of the State of Texas, passed May 11th, 1846.

A bill for the relief of John Frederick.

A bill to incorporate Franklin College.

And a bill to authorize and require the county courts of the several counties of the State of Texas, to furnish the county surveyors of their respective counties with books of record.

A message was received from the House informing the Senate that the House had passed the following bills :

A bill to incorporate the Sulphur and White Oak Bridge and Plank Road Company.

A bill to legalize the marriage of William H. Slain, and Margaret Slain, residents of Bosque county.

A bill to legalize the marriage of William Davis, and Sarah James.

A bill to authorize Caleb Wilson, to practice law in this State.

A bill to relieve G. K. Gibson, from the disabilities of minority.

A bill to incorporate the Rock Ford Bridge Company.

A bill for the relief of Charles Lockhart and John Welch.

A bill to validate bounty land certificate No. 4059.

A bill to incorporate the East Fork Bridge Company.

A bill for the relief of James H. Brown.

A bill to incorporate the town of Meridian in Bosque county in this State.

A bill for the relief of Louis Bonillet, and Hatty O. Kohtman.

A bill for the relief of the heirs of Willis Edson, deceased.

A bill for the relief of the legal Representatives of Calvin Gage, deceased.

A bill to remove the disabilities of minority from Tomas A. Rodriquez.

A bill for the relief of Alexander Miller.

A bill for the relief of Peter B. Norton.

A bill for the protection of Game on Galveston Island.

And a bill for the relief of A. F. Smith.

And had adopted the report of the committee of conference on the House's amendment to the Senate's bill, to amend the 4th section of the act of May 12th 1846, to regulate the license and practice of attorneys and counsellors at law.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills, report that they have examined :

A bill to extend the provisions of an act to provide for the incorporation of towns and cities, to the towns of Jasper, in Jasper county, Danville, in Montgomery county, and Mt. Enter-

prise, in Rusk county, and found it correctly enrolled, and properly signed, and that it was this day presented to the Governor.

Mr. Shepard by leave presented the petition of sundry citizens of Washington county, in reference to the sale of spirituous liquors in and near the town of Chappel Hill. Referred to the committee on Education.

Mr. Erath by leave presented the petition of James S. Burres and John Craig, for land. Referred to the committee on Private Land Claims.

Mr. Quinan, from the committee on the Judiciary, made the following report :

The committee on the Judiciary to whom was referred the bill to regulate Factors and Warehousemen have had the same under consideration, and instruct me to report. The bill is liable to objection because it attempts several distinct objects : To regulate commission merchants ; to prescribe the duties of public weighers, and to repeal the former law for the appointment of cotton weighers. The objects however sought to be obtained are thought to be needful, and they recommend the passage of the two bills herewith reported as substitute for the bill referred.

Mr. Walker, chairman of the committee on Public Lands, made the following reports :

The committee on Public Lands, have considered the bill regulating the fees of the General Land Office. I am instructed by the committee to return said bill to the Senate, and recommend that it be rejected for its wickedness. The committee are of the opinion that it would be very unjust to make those persons who have failed so far to get patents for their lands, notwithstanding their anxiety and exertions to do so, pay some three times as much as those who have heretofore been so fortunate as to obtain theirs. The committee are of the opinion that the law on that subject is good enough, as it is, and that it is best to let it remain so, undisturbed.

Mr. Walker, from the committee on Roads, Bridges and Ferries, to whom was referred the bill to incorporate the Dallas Bridge Company, reported the the same to Senate and recommend its passage.

Mr. Hyde, chairman of the committee on Private Land Claims, to whom was referred the application of S. Pangburn, assignee of C. L. Wood, to confirm the unconditional certificate issued by the county court of Montgomery county, reported the accompanying bill to validate unconditional certificate for 320 acres of land No. 576, issued on the 4th February, 1856, to S.

Pangburn, assignee of C. L. Wood, which was read a 1st time.

On motion of Mr. Chambers, the rule was suspended, bill read 2nd time and ordered to be engrossed.

On motion of Mr. Chambers, the rule was further suspended, bill read 3rd time and passed.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a bill to authorize the Comptroller to sell three hundred and five thousand dollars of the United States Bonds, reported the bill with amendments, and recommended the adoption of the amendment, and the passage of the bill.

Amendment: Provided, the said Bonds shall not be sold at less than their par value, and that this act take effect, and be in force from its passage.

Mr. Stockdale, chairman of the committee of conference on the part of the Senate, made the following report:

The committee of conference upon a bill to amend the fourth section of an act of May 12th, 1846, to regulate the license and practice of attorneys and counsellors at law, originating in the Senate, and the amendment thereof by the House, have had the same under consideration, and instruct us to report the following amendment and recommend the adoption of the amendment and that the Senate concur in the amendment of the House as so amended:

Amend the amendment of the House, by adding to the caption the words an act to amend the 9th and 10th sections of an act to regulate the license and practice of attorneys and counsellors at law.

On motion of Mr. Stockdale, the rule was suspended, the report of the committee taken up and adopted by the following vote:

YEAS—Messrs. Chambers, Grimes, Guinn, Hyde, Lott, Parsons, Potter, Quinan, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes and Whaley—15.

NAYS—Messrs. Dickinson, Fall, Gentry, Harman, Hart, Herbert, Martin, Rains, Rainey, Sims, Walker and Wallace—12

Mr. Herbert introduced a bill for the relief of Buffalo Bayou, Brazos, and Colorado Railway Company. Read 1st time.

On motion of Mr. Herbert, the rule was suspended, and the bill read 2nd time.

On motion of Mr. Quinan, the bill was amended by adding to the caption, the words:

And the Houston Tap and Brazoria, Railway Company, and by changing the company to companies, and bridge to bridges,

in the seventh line. Bill and amendment was referred to the committee on Internal Improvements.

Mr. Throckmorton introduced a bill making an appropriation to defray the expenses of selling the University Lands. Read 1st and 2nd times and referred to the committee on Finance.

Mr. Lott introduced a bill for the relief of James W. Parker. Read 1st and 2nd times and referred to the committee on Public Debt.

Mr. Scarborough introduced a bill authorizing the Judge of the 12th judicial district to hold special terms of said court in Cameron county. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Schleicher introduced a bill for the relief of Ann T. Hunt. Read 1st and 2nd times and referred to the committee on Public Debt.

Mr. Gentry introduced a bill for the relief of the heirs of Joseph C. Gentry, deceased. Read 1st and 2nd times, and referred to the committee on Private Land Claims.

Mr. Townes introduced a bill for the relief of Voltaire Roundtree. Read 1st and 2nd times, and referred to the committee on Private Land Claims.

ORDERS OF THE DAY.

A bill to amend the 11th section of the act of February 7th, 1853, to incorporate the Galveston, Houston and Henderson Railroad Company, with an amendment of the House, was on motion of Mr. Potter, laid on the table.

A bill apportioning Senators and Representatives of the Legislature among the several counties of the State according to the requirements of the constitution. Read.

On motion of Mr. Parsons, the 4th section was amended by adding thereto the words: And in all Senatorial or Representative Districts composed of but one county, the chief justice of such county shall receive the election returns, and give the certificate of election to the Senator or Representative or Representatives elect in such county.

Mr. Guinn moved to strike out Henderson in the 10th district, and add it to the 13th district.

Pending which, on motion of Mr. Rainey, the Senate adjourned until to-morrow, 1 o'clock, A. M.

FRIDAY, January 14th, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. Wm. M. Baker—roll called—quorum present.

The journal of yesterday was read and adopted.

On motion of Mr. Lott, Mr. E. A. Blanch, Senator elect from Harrison county, came forward took the oath of office and his seat.

On motion of Mr. Guinn, Mr. Martin was excused from attendance upon the Senate to-day.

Mr. Fall, chairman of the committee upon Engrossed Bills, reported the following bills correctly engrossed:

A bill to incorporate the Planter's Danalogian Society of the county of Gonzales.

A bill for the relief of the Washington County Railroad Company.

A bill for the relief of Michael Herbert.

A bill to encourage the publication of a complete digest of the supreme court.

And a bill for the relief of Ewing Clayton.

Mr. Hyde, chairman of the committee on Private Land Claims, made the following reports:

The committee on Private Land Claims, to whom was referred a bill for the relief of Joseph C. Gentry's heirs, have examined the same and find that the said Gentry came to Texas in time to be entitled to 640 acres, and died in the country. They therefore instruct me to return the same back and recommend its passage.

The committee on Private Land Claims, to whom was referred the House bill for the relief of H. C. Davis, have examined the same and find the claim good. They instruct me to report the same back and recommend its passage.

The committee on Private Land Claims, to whom was referred a bill for the relief of John Smith, have had the same under consideration, and find the facts to be these: John Smith came to the country on the 15th day of December, 1835, and joined the Georgia batalion, under Captain Wadsworth, that he escaped the Fannin massacre by being absent on an express, he was in the battle of San Jacinto, in Capt. Patton's company, he was taken prisoner in 1839, and was kept a prisoner in Matamoros until 1841, when he returned to Texas and was taken prisoner at San Antonio, in 1842, with the Hon. Samuel A. Maverick and others, and taken to the castle of Perote, and confined in a dungeon. That he received a certificate from the Board of Land Commissioners of Fort Bend county, which was

rejected by the traveling board while he was in prison in Mexico. They therefore instruct me to return the same back to the Senate for further consideration.

The committee on Private Land Claims, to whom was referred a bill for the relief of Chester B. Starks, originating in the House of Representatives, have examined the same, and find that the relief ought to be granted, but as Chester B. Starks, is the assignee of Geary Gachmaun, and the original certificate has been before your committee, and is genuine, and only not perfect because the commissioner failed to report it they consider it proper instead of granting a new certificate, to legalize the old one. They therefore instruct me to report the accompanying bill as a substitute and recommend the passage of the bill.

A bill for the relief of Geary Gachmaun, on motion of Mr. Grimes, taken up and read 1st time.

On motion of Mr. Schleicher, the rule was suspended, bill read 2nd time and ordered to be engrossed.

On motion of Mr. Schleicher, the rule was further suspended, bill read 3rd time and passed.

Mr. Walker, chairman of the committee on Public Lands, to whom was referred a bill granting land to actual settlers on the public domain, reported the same back to the Senate and recommended its rejection.

Mr. Shepard, chairman of the committee on Public Debt, made the following report :

The committee on Public Debt, to whom was referred the memorial of Mrs. Swartwout, widow, and relict of Samuel Swartwout, deceased, have carefully considered the same and instruct me to report favorably thereon. They further direct me to say that there are two other claims equally meritorious and just, viz : the claims of L. S. Hargous and G. B. Larmar, and that these are the only claims of like character and merit outstanding against the State. That all of these are for interest on such advances nobly and generously made to our government and citizens in their time of sorest need, and under circumstances which should entitle them to the lasting gratitude of a brave and generous people, to leave them unpaid would be not only unjust but would forever attach to our glorious State, the stain of ingratitude and dishonor. Your committee further instruct me to report that the foregoing claims have been twice before acted upon by the Senate, and secured the approval of your honorable body, and for some unaccountable reason, were overlooked or rejected by the House. They have therefore instructed me to report the accompanying bill to the Senate and earnestly recommend its passage.

A bill for the relief of the widow and heirs of Samuel Swartwout, L. S. Hargous and G. B. Lamar. Read 1st time.

A message was received from the House informing the Senate, that the House had passed the following bills :

A bill to amend an act to incorporate the Sabine and Rio Grande Railroad Company.

A bill for the relief of Andrew Mason, assignee of Robert H. Andrews.

And a bill to change the name of Susan Allford to Susan Bell, and permit Abigail Bell to adopt her, and transmitting the message of the Governor, and accompanying documents.

Mr. Hart, from the committee on the Judiciary, to whom was referred a bill to provide for the sale of the reservations of land ceded to the United States, reported the bill to the Senate with the accompanying amendments and recommend its passage.

Amend by striking out all after the words "shall be on the 5th and 6th lines in section 5," and insert as follows : "Forfeited if the same is not promptly paid at the maturity of said note, and the same shall be resold as soon thereafter as the Governor shall direct, and the first purchaser who shall thus fail to pay his said notes as they become due, shall be liable with his securities to be sued, and compelled to pay the difference between the amount of the first and the last sale with all cost that may accrue thereon, provided the last sale shall be for a less amount than the first.

On motion of Mr. Guinn, Mr. Blanch was added to the committee on Internal Improvements and State Affairs.

Mr. Potter, by leave, presented the petition of Edwin B. Settle administrator of Ellen M. Gibbs, deceased, for land. Referred to the committee on Private Land Claims.

Mr. Potter presented the petition of E. B. Settle for land. Referred to the committee on Private Land Claims.

Mr. Throckmorton, chairman of the committee on the Court of Claims, to whom was referred the memorial of Andrew Danby, reported the same to the Senate, and asked to be discharged from its further consideration, as the Court of Claims had never had the adjudication of colony claims.

Mr. Throckmorton, from the committee on Private Land Claims, to whom was referred a bill for the relief of Valtaire Rountree, reported the bill back and recommended its passage.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report :

The committee on Enrolled Bills have examined the following bills :

A bill to be entitled an act to authorize and require the clerks of the district courts of Cherokee, Smith, Anderson, Pañola and Angelina counties to apportion the docket of said courts.

A bill for the relief of Lewis David.

They found them properly enrolled, and duly signed, and on yesterday presented to the Governor.

Mr. Townes introduced a bill to amend the 2nd section of an act better defining the marital rights of parties, approved March 13th, 1848. Read 1st and 2nd times and referred to the committee on the Judiciary.

Mr. Schleicher introduced a bill supplementary to an act, supplementary to and amendatory of an act to give each separate county of this State, its own county surveyor, maps and records and defining the duties of surveyors. Read 1st and 2nd times and referred to the committee on Public Lands.

Mr. Lott introduced a bill to encourage and establish a manufactory of clocks and looking glasses in the State of Texas. Read 1st and 2nd times and referred to the committee on State Affairs.

Mr. Schleicher introduced a bill for the relief of the heirs of Leonard Dobbin. Read 1st and 2nd times and referred to the committee on Private Land Claims.

ORDERS OF THE DAY.

A bill to apportion the Senators and Representatives among the several counties in the State.

Mr. Guinn offered the following as a substitute for the amendment offered by him on yesterday.

Amend by striking out "Henderson" in the Senatorial district, add "Van Zandt" to the 12th district, and strike out "Van Zandt" in 13th district and insert "Henderson."

Amend section 2, by striking out the following words: "the chief justice of Cherokee of the 10th district." Adopted.

Mr. Rains moved to lay the bill on the table, which was lost by the following vote:

YEAS—Messrs. Blanch, Dickinson, Fall, Grimes, Lott, Paschal, Rains, Rainey, Townes and Wallace—10.

NAYS—Messrs. Chambers, Erath, Gentry, Guinn, Harman, Hart, Herbert, Hyde, Parsons, Pitts, Potter, Quinan, Scarborough, Sims, Stockdale, Throckmorton, Walker and Whaley—18.

The amendment was then adopted.

Mr. Walker moved to postpone the bill until Monday the 16th inst. Lost.

Mr. Rainey offered the following amendment:

Amend by taking Orange and Hardin from the 2nd and add them to the 1st Senatorial district, and take Trinity from the 11th and add it to the 2nd district, which was laid on the table by the following vote :

YEAS—Messrs. Erath, Fall, Grimes, Harman, Herbert, Lott, Pitts, Potter, Quinan, Scarborough, Schleicher, Sims, Stockdale, Townes, Walker and Wallace—16.

NAYS—Messrs. Blanch, Chambers, Dickinson, Gentry, Guinn, Hart, Hyde, Parsons, Rains, Rainey, Throckmorton and Whaley—12.

Mr. Chambers offered the following amendment :

Amend eighth district so as to read Titus and Red River, which was on motion of Mr. Sims, laid on the table.

Mr. Harman offered the following amendment :

Amend the 9th district (Senatorial) so as to require the election returns to be made to the chief justice of Lamar county ; also the 25th district in the Representative apportionment returns to be made to the chief justice of Lamar county. Adopted.

Mr. Hyde moved to reconsider the vote adopting the amendment offered by Mr. Guinn. Lost.

On motion of Throckmorton, the bill was made the order of the day for Monday next, at 11 o'clock.

The message of the Governor was read and is as follows :

GENTLEMEN OF THE SENATE,

AND HOUSE OF REPRESENTATIVES :

A press of public business, which has not allowed time for the preparation of this communication, has prevented me from presenting at an earlier period, to the Representatives of the people, that information respecting the condition of our State affairs, and the policy which will actuate my administration, expected at my hands.

In the short period which has elapsed since my inauguration, it is not to be supposed that I have been able to obtain a critical knowledge of the workings of the different departments of government, so as to recommend such modifications and improvements as may be necessary to effect the purposes of economy and reform, and I can therefore but commend the application of those principles, which should extend to and influence all the avenues of government, affecting the discharge of official duty, of whatever grade, and controlling the operations of government, legislative and administrative.

The office of Executive falls into my hands at a peculiar period in our history as a State. Contemplating alone, the vastness of its extent, the diversified interests of its people, and the character

of its resources, yet undeveloped, there is enough to demand continued labor and attention, in order to apply the benefits of government with sound discretion, and a proper regard to the relative demands of each interest; but apart from these, a considerable portion of our State bordering on the Rio Grande river, is in a state of tumult and war, our frontier is unprotected and harassed by Indians, and our Treasury, which we have hitherto regarded as of exhaustless capacity, considering the probable expenses of government, is without a dollar subject to appropriation, beyond the amount necessary to defray the current expenses of government for the present year.

Difficulties like these impelled immediate action; and the peace and security of the State being a paramount object, my attention has first been directed toward quieting the disorders upon the Rio Grande, and providing for the defence of our settlements against Indian depredations. With a due regard for the dignity of the State, should be united a desire to maintain peace within our limits. The bloodshed, the ravages, and the desolation of an intestine war is to be considered, nor should we lose sight of the immense cost of prosecuting it. If, by the use of those means known to humanity and the laws of nations, such disturbances can be quelled, all the considerations mentioned demand their exercise.

Possessed of no information going to show the causes of the disorders existing upon the Rio Grande, the Executive could but act upon the fact of their existence, and accordingly on the 28th of December, I issued a proclamation, which was printed in the English and Spanish languages, for circulation in that region; and a copy of the same is herewith submitted. This course is not only justified by precedent, but it is founded upon the principles of justice and humanity. Without assuming to know the origin of the disorders, it warns the offenders against the law of the consequences of further rebellion, and exhorts a return to duty. If productive of the desired end, the saving of blood and treasure which would accrue, would be considerations which should far outweigh the promptings of revenge, or the appeals of hostility against a race already degenerate from oppression. If such means fail, the law must be vindicated, and the offenders taught subordination by force.

The first official information received by the Executive from the seat of these disorders, was the communication of Capt. W. G. Tobine, herewith submitted, bearing date at Ramireno, near Brownsville, December 16, 1859, and received by hands of Capt. A. C. Hill. I was gratified to learn from that dispatch that the

Federal Government had interposed to restore order in that region, and that Major Hientzleman, an officer of discretion and valor, had assumed the control of military operations. Whatever complaints may be made against the Federal Government on account of the removal of the troops from that portion of our border, its promptitude in affording relief at this time is deserving of consideration. Satisfied from the report of Capt. Tobin that a sufficient force was on the spot to quell the disturbance, and that the Federal arm would be still further extended, at the call of its officer commanding the troops there, I dispatched Captain Hill, with an escort of twenty men, with instructions to Major John S. Ford, acting as commander of the Texas forces, by virtue of an order from my predecessor. In that communication I stated that, "as the management of military operations has been assigned by the Federal Government to its officers, if troops are desired from Texas, it is proper that a requisition should be made by an officer of the Federal Government, in command of the U. S. forces at that station." Should such a requisition be made, I am satisfied that the citizen soldiery of the country will respond with alacrity to the call.

On the 10th of January, the report of Major John S. Ford was received, dated at Ringgold barracks, December 29, 1859, giving an account of the engagement at Rio Grande city, in which the followers of Cortinas were completely routed and dispersed. The entire forces on this occasion were under the command of Major Hientzleman, to whom great credit is given for the disposition made of the troops. Our rangers behaved on this, as on the former occasion, with that bravery which is a part of the Texian character, and the Federal troops likewise acted with great gallantry. So signal was the rout of the opposing forces, that I think their uniting again is improbable. The report of Major Ford is herewith submitted.

On the 11th inst., I received dispatches from Major Wm. G. Tobin, dated Ringgold barracks, Jan. 3d, 1860, showing the organization of the Texas forces, and the result of the elections held accordingly, also a letter from Major Hientzleman, in reply to Major Tobin, in which it is shown that in the opinion of that officer, the forces of Cortinas are "entirely dispersed," and that a force of U. S. troops were on the march. All of these documents are respectfully submitted.

I have every reason to hope that ere this time the disorders have been quelled, and that the emergency which has called our citizens from their homes, no longer exists.

Unable to form any correct conclusion as to the origin of these

disorders, it has been impossible for me to lay before your honorable body the information which would otherwise be expected at my hands. Not only the Legislature, but the people of our entire State, on whom may fall the burthen of taxation to meet the cost of sustaining troops in the field, have a right to know the entire facts connected with this disturbance. If the causes are local in their nature, as I have supposed, or if a premeditated invasion was contemplated, it is equally important for our peace and safety that the truth should be placed before the country. Actuated by this motive, I determined to send Commissioners without delay to Brownsville, and accordingly on the 2d of January, Messrs. Angel Navarro of Bexar, and Robt. H. Taylor of Fannin county, were commissioned for that purpose, and proceeded at once on their mission. These gentlemen both possess a knowledge of the Spanish language, and represent different sections of the State. From the tenor of their instructions, herewith submitted, it will be seen that all necessary discretion is given to them with reference to the State troops in that vicinity. If, after a conference with the Federal officer commanding, their services are deemed necessary, as soon as their report reaches the Executive it will be submitted to the Legislature for its consideration.

In whatever light we may view these disorders upon the Rio Grande, they may readily be traced to the insecure condition of our border, arising from the withdrawal of the Federal troops. Mexico is in a continual state of anarchy, her population feel none of the influences of a stable government. Lawless chieftains plunder them with impunity, and light the torch of civil war at pleasure. Riot, murder and revolution, reign above law and order. Separated from Mexico as we are, by a narrow river alone, and a continual intercourse going on between its people and ours, it is but natural that the unhappy influences of her condition should extend to our border. To prevent these influences operating upon the turbulent portion of our own population, as well as to check any effort on the part of the citizens of Mexico to aid them in setting the laws at defiance, the presence of the Federal troops is absolutely necessary; and in my opinion the disturbances may be attributed to the insecurity arising from their removal, which left no check against the influences of civil war in Mexico. I have full confidence that the Federal Government will not only guard against such exigencies in the future, but will, as it should, recognize as valid, the acts of its military officer on the Rio Grande in assuming the control of our State troops, and reimburse Texas for the cost of their pay and subsistence.

Notwithstanding the fact that no appropriation had been made by the Legislature to provide for the defence of our frontier, and the condition of the Treasury warranted but little hope of relief from that quarter, I could not disregard the claims of our frontier citizens to protection from the marauding bands of Indians which infest our border, and accordingly at once took steps to call into the field a sufficient force to meet the present emergency. By virtue of the constitutional power vested in the Executive, to resist invasion, I felt fully authorized to pursue this course, believing that the Legislature would provide the means of pay and subsistence for the troops. Instructions have been issued to Captains W. C. Dalrymple, E. L. Burleson and John H. Connor, to raise each sixty men for immediate service. Since the initiative steps to effect this purpose were taken, the bill entitled "an act for the protection of the frontier," came into my hands. Inasmuch as the Legislature has thrown upon the Executive the entire responsibility of defending the frontier, it is but just to him and to the people of the State, that the Legislature should provide him with the means of meeting that responsibility, as the exigency before him requires. The bill in question but affirms a constitutional power already existing in the Executive. It provides the manner in which the troops shall be organized, and the rates at which they shall be paid; but the money with which they are to be paid and sustained in the field is unprovided for. Without a dollar at his command, it is impossible for the Executive to sustain rangers on the frontier, or to accomplish much for the defence of the State; and although numbers of our citizens are ready to go to the scene of danger, relying upon the justice of the State to pay them for their services, yet they cannot be expected to enter upon the dangerous service before them without necessary subsistence. The Executive is determined to use all the constitutional means in his power to give security to our border. He will endeavor to send to the frontier efficient and reliable protection, and will call into the field no more men than appears absolutely necessary; but beyond this he has no power. The Legislature can alone provide and appropriate the money.

Our frontier people have long been harassed by Indians. They have been compelled from time to time, to leave their homes in pursuit of them, to punish their aggressions, and recover property stolen. A feeling of insecurity exists which nothing but an active force, continually on the alert, can dispel. Scattered along the border, they are unable to get together in sufficient numbers to punish the enemy, without endangering their firesides. I

have therefore determined to send them protection from the interior. If an emergency arises, or the Indians appear in force, they may then be called into service as minute men, without leaving their families long unprotected.

The defence of our settlements properly belongs to the Federal Government, and it is only in cases where protection is not extended by it, that we may resort to our own means of defence. It has been my belief for years, that mounted rangers are the only species of troops calculated to afford efficient protection against roving bands of Indians. Thus far, the Federal Government has not acted upon such a policy as respects our frontier. I shall at an early period urge upon the President of the United States, and the War Department, the necessity for such a force, as well as the propriety of mustering into the service of the United States the troops now being raised for the protection of our frontier.

I shall also urge upon the proper department, the importance of authorizing a treaty with all of the Indian tribes on our border, and the payment of annuities directly to them, through a Texas agency, instead of by way of Arkansas, as at present. The fact that these tribes respect the laws of Arkansas, and the civilized nations of Indians, and that no depredations are committed upon that frontier, but altogether upon that of Texas, is a sufficient reason for believing that a change of policy in this respect would be beneficial.

In view of the continued depredations upon our frontier, and the insecurity arising from the anarchical condition of Mexico, I shall take immediate steps for the organization of the militia, in accordance with the act of April 21, 1846. As our settlements widen, and the people of the interior become strangers to the incidents of border life, the use of arms and the knowledge of all that pertains to military duties, will not be kept up to that degree which will ensure efficiency in the hour of danger. Military discipline is an important item in the education of a free people. Familiar with the use of arms, they can be made available at any moment to repel invasion or crush rebellion. I would commend to your honorable body the propriety of making such appropriations as will be necessary to put our militia system into operation.

The Report of the State Comptroller, already laid before the Legislature, shows that we have but very little to congratulate ourselves upon, on account of the condition of the Treasury. There remained in the Treasury at the expiration of the last fiscal year, ending on the 31st of August, 1859, the sum of \$411,402 69, in U. S. bonds and specie.

The \$2,000,000 00 set apart for the School Fund yet remains, but the balance of the \$5,000,000 00, received from the sale of our Santa Fe territory to the United States, is exhausted, except the amount set apart for the University fund, amounting to \$106,972 26, and the balance mentioned of \$411,402 69, belonging to the general fund. Notwithstanding a continual revenue arising from taxation, and the interest upon our United States bonds, has flowed in a continual stream into the Treasury, the money has gone out in a ceaseless stream, until, instead of seeking, as has formerly been the case, for modes of emptying the public Treasury, we have to seek for modes of replenishing it. Added to the revenue of the fiscal year, the balance in the Treasury on the first of August, 1859, will but little more than meet the ordinary expenses of government, and to make it do this, economy is necessary. We have a force in the field upon the Rio Grande, and the frontier is to be protected from the Indians. We cannot expect our citizens to wait the delay to be experienced in our endeavors to obtain the recognition of our State forces by the United States. They must be provisioned and paid. Common justice demands that the State shall recompense them, and not force them to wait until the general government shall make the necessary appropriations. To meet these extraordinary expenditures by the most prudent mode, is an object which I especially enjoin to your attention. Every avenue of extravagance should be closed, every proper means of retrenchment should be adopted. The keys of the Treasury should be held with an honest grasp, and no appropriation be made which is not necessary and strictly in accordance with law. Every disbursing officer of the government should be held to strict accountability, and no stretch of authority be permitted in the exercise of the trust confided to him. What economy will not accomplish can in my opinion be best supplied by taxation. Texas has learned some experience from going in debt, which she will do well to remember, and I trust she will guard against its consequences in future.

The various departments of government should, in my opinion, be made as far as possible, self-sustaining, and where it is impossible, from their nature, to make them so, a rigid exaction of duty at the hands of all those who are in the employ of the government should be required. No free government can afford to establish sinecures, or to support idleness. The money which comes from the pockets of the people, should be economized for their good, and all who are the recipients of it, should render a fair recompense of time and labor. These subjects are within the

province of the Legislature. The Executive is powerless, and if reform is needed in any of these respects, it falls upon the Legislature to enquire into abuses, if there be any, and provide an immediate remedy.

The deficit in the revenue of the Land Office, added to the fact that the business of that department does not keep pace with the demands upon it, furnish subjects for your consideration.

The interests of the State demand that it should be self-supporting, and the interests of the people demand that its business should be brought up at the earliest possible period. A large force is already employed in that department, but the issuance of patents has been delayed, and it remains for the Legislature to discover whether this is to be attributed to the amount of labor performed by the employees of the government, or the fact that the force is inadequate to the demands of business. If the latter, it is false economy to allow a further accumulation of business, and thus cause a still greater delay. The holders of our land certificates are entitled to their patents, and if an additional force is necessary, it should at once be provided. The deficit in the operations of that department, estimated for the present fiscal year, ending August 31, 1860, at \$24,000, shows the necessity of prompt legislation to bring its affairs up to a proper standard. If the fees paid by those having business with that department, do not meet its expenses, they should be increased; if on the other hand, the deficit arises from the fact that a part of the time of that department is occupied by business for which no fees are provided by law, those who consume the time of the employees in the transaction of their business, should be compelled to pay for the same. In my opinion the affairs of that office can best be brought to a self-supporting standard, by providing an entire system of fees, covering the entire ground of its operations, and providing at the same time for the payment of its employees, wherever the same is practicable, in proportion to the labor they perform.

I cannot press too earnestly upon the Legislature the subject of common school education. The success of the system already in operation, is established beyond a doubt. Its application is general, and its defects as few as any system which could be applied to a population as scattered as ours. The nucleus of a complete system is already provided, and we have, in our public domain, the means of strengthening it, until its capacity will equal the demands made upon it, as our population increases. No better use can be made of the proceeds of the sale of the alternate sections of land reserved to the State from any cause, than to apply the same to this fund.

I would also commend to your consideration the importance of extending a reasonable aid to institutions of learning, now in operation in our State, supported by private enterprize, and to encourage by a general law the establishment of others. Our citizens have already displayed much zeal and enterprize in rearing up in our midst institutions which are accomplishing great good. To sustain these is difficult, and as the benefits arising from these are to be felt in the general prosperity of the State, and the intelligence of its entire people, a proper encouragement at the hands of the Legislature should be extended. Surrounded by proper guards, a measure of this character would be productive of great good.

The establishment of a University, is, in my opinion, a matter alone for the future. At this time, it is neither expedient nor is it good policy to provide for the sale of those lands set apart for the University fund. If, at some future period, it should be deemed expedient, or in keeping with a more enlarged policy, to devote our entire energies to a more general diffusion of knowledge than a University would afford, or even if the voice of the State should demand the establishment of one, these lands will then provide the means of advancing the cause of education. When that period arrives, their value will be greatly increased. If sold now, but little will be realized from them, and before the expiration of twenty years, the time upon which over fifty thousand acres have already been sold, the lands will be worth more than three-fold the amount they would bring now, with accumulated interest.

So far as the one hundred thousand dollars of bonds and their interest taken from the general, and applied to the University fund, by the last Legislature, are concerned, I believe the condition of the Treasury, and our immediate necessities demand that the act be repealed, and the money again placed subject to appropriation. We need money for the protection of our frontier, and to save us from taxation, more than for a fund which promises no immediate benefit. Our common school fund already provides for the education contemplated by the Constitution, and if this amount, thus unnecessarily withdrawn from the general fund, will reduce the burthens of taxation, the people will be better able in the future to bear taxation to support a University, if one should be necessary.

I have long regarded our present land system as defective, and believe with the framers of the Constitution of the Republic, that our public domain should be sectionized. The Federal Government has adopted this system with reference to its public

lands, and all of the difficulties which surround our titles are obviated. We cannot redeem the past, but we can provide for the future. If all of our public domain were surveyed by competent persons, who would be willing to take a portion of our lands as compensation for their labor, it would greatly facilitate the settlement of the country, and give security to our whole land operations. It would also furnish some data upon which to base conclusions as to the value of our lands, and if accompanied by the researches of a geological and agricultural bureau, would vastly tend to the development of the resources of our State. Our lands, if divided into sections, half and quarter sections, would meet a ready sale, whereas, at present, the difficulty attending our land titles, make many persons loth to file their certificates, lest they may conflict with private locations, but if their meets and bounds were declared by the State, none of this apprehension would exist.

I believe that the policy of extending our frontier too rapidly has already resulted in great loss of life, owing to the sparse settlements being an easy prey to savages. If a base line were run at the extreme edge of our present settlements, and the territory beyond withdrawn from location and settlement, we could then by a liberal policy, which would give an alternate quarter section of land to every actual settler, who would reside upon and cultivate the same for two years, draw to our frontier a host of hardy pioneers, who would not only be able to resist the encroachments of the Indians, but soon acquire sufficient strength to intimidate them. If this plan were adopted, and a force of Texas Rangers, authorized by the United States, kept actively scouting in our territory beyond the settlements, we would cease to hear of those calamities which now continually shock our ears. Thus our frontier could be gradually extended, the lives of our citizens spared, and a vast amount of money necessary to protect the present scattered settlements, saved to the Treasury. The alternate quarter sections reserved, would be increased in value from the occupancy of the settler, while he would be benefited by receiving the land at the bare cost of the fee of patenting and surveying. I believe that the policy of giving land to actual settlers is a good one, but we should at the same time endeavor to make our settlements compact, and should also confine our donation policy alone to the settler and his immediate heirs, and not extend it to his assignees.

As one means of replenishing our exhausted Treasury, I would commend the immediate sale of all lands which shall be found to be forfeited to the State for the non-payment of taxes ; and such

legislation should be adopted, as will induce the purchase of these lands, and give security to the titles made to the same. A rigid system for the collection of taxes is necessary, so that all branches of business, and all classes of property holders, may pay their due proportion towards bearing the expenses of government. Some means should also be adopted, by which the various assessors and collectors of the State would be able to secure the payment of proper taxes upon lands owned out of their respective counties. It is a notorious fact, that but few of the lands upon which taxes are paid in counties distant from their location, afford the State an equitable revenue. While it is not fair that parties should be compelled to pay their taxes on lands in the counties in which the lands lie, it is no more than just, that the State should provide some standard for their valuation, where they are not so paid.

I cannot too earnestly press upon the Legislature the necessity for economy in reference to the public lands. They are now all that we may draw upon for the education of the people, and the development of our resources. Every citizen of Texas has an interest in the public domain, and the representatives of the people should regard it their duty to refuse to squander them in profligate schemes or to meet the ends of special legislation.

The Executive would also suggest some change in the mode of collecting the revenue. The amount of labor required at the hands of assessors and collectors, when compared with the compensation they receive, is so great, that but few men of competent business talent can be induced to accept the office. The Legislature should, in my opinion, so amend the revenue laws, as to secure the services of responsible men, who cannot be imposed upon. The task of visiting the domicile of every citizen in order to obtain the valuation of his property, is arduous, and it is in but few counties that the officer is even reasonably paid for his labor.

The several railroad charters passed since my induction into office, have met my approval. • Their terms are explicit, and in accordance with the general railroad law of the State. No charter will receive my assent which does not contain those proper guards against fraud, imposition and reckless speculation, which are necessary at once to guard the interests of the State and the pockets of the people. Corporations have so often trampled upon the rights of the private citizen, that we should be careful when we grant them privileges that we part with no right belonging to the people. The State has already been generous; and her generosity has in several cases been abused. We can yet afford

to be generous in our railroad policy, but we should make such terms as will secure every interest to be affected. It will be my endeavor to exact at the hands of every railroad company in the State, a strict compliance with the terms of its charter. The benefits conferred are so great, and the terms made by the State so easy, that there is but little room for excuse, in case of a failure to comply with the law.

The improvement of our rivers under the act of August 1st, 1856, will receive that attention at my hands which the importance of the subject demands. To many sections of the country these natural channels of transportation are of great utility. It will be my endeavor to employ practical men, acquainted with the nature of our rivers, to superintend their improvement, and report upon the manner in which contractors have performed their duty.

I can see but little utility in the office of State Engineer, under our present system of railroad and river improvements. It is impossible for one individual to supervise all of the works in progress in the State. In the immediate locality of our rivers men can be found fully competent to decide upon the proper method of their improvement. The railroad law already provides that the company for whose benefit the examination is made, shall pay the expenses of the same. The law should plainly designate what the nature of the expenses shall be, and the manner in which the examination shall be made, in order to prevent corruption; and also establish the fees and duties of the examining board, which can be appointed for the time being, and thus save the State the cost of a salaried officer.

I would commend the continuance of the geological survey, and would suggest as an auxiliary, the establishment of an agricultural bureau, with the view of collecting agricultural statistics and developing our general agricultural interests.

It will be necessary that the Legislature provide for the further prosecution of the boundary survey for establishing the line between the United States and Texas, in accordance with the act approved January 23, 1858. How far that survey has been prosecuted, the Executive has not been able to learn. It remains for the Legislature to inquire into the manner in which the appropriation of \$20,000, made by the last Legislature, has been expended, what amount will still be necessary to complete the survey, and make an appropriation for the same.

I would recommend to your consideration the propriety of changing the time for the meeting of the Legislature until the 15th of December, or some early period before the time allotted

for the inauguration of the Governor. Our experience under the present arrangement has shown that but little legislation of importance is effected before the incoming of the new administration, and I believe the change would result in a great saving of money to the State.

So much trouble has heretofore arisen in reference to our public printing, that it behooves the present Legislature to provide all necessary regulations and guards against fraud and misconstruction of the laws regulating the same. The duties of the Public Printer, like those of all other officers, should be plainly defined. The law should provide against the latitudinous construction, by which thousands of dollars may be swept from the Treasury upon a plea of custom, and explicitly declare that the work shall not be leaved, but shall be close or "solid," and that no unnecessary blanks be allowed. The various reports of public officers printed for the use of the Legislature, should also be declared not to be part of the journals, and that they shall not be printed as appendices to them. The present law is defective in these respects and I commend to the Legislature the propriety of amending it, so as to meet not only these, but all other objections.

Upon the action of the Legislature, depends to a considerable extent the construction to be given to the present contract for the Public Printing. It is for the Legislature to say, after the matter has been fully investigated, whether the charges made by the Public Printer for the past four years was correct, and in accordance with law. If they are not, and money has been illegally drawn from the Treasury, it is not only in accordance with justice, but precedent, that restitution should be made.

In providing a means for disseminating the laws, it seems to the Executive, that a regard should be had to the means most likely to bring them within the reach of the great mass of the people. I do not believe that the present mode of distributing them is calculated to accomplish this end. But few individuals get possession of them, and then frequently long after they have gone into effect. The people have a right to know the law, and the Legislature should seek that channel of communication which is most accessible. I believe that if a portion of the money now expended in printing, was devoted to the publication of the laws in one newspaper in each county in the State, or at least one in each judicial district, the benefit to the community would be far greater than that received by printing them in pamphlet form alone. A much smaller number in pamphlet form would then suffice, and the expense to the State would be but little, if any greater. The cost of publishing the General Laws in the

manner mentioned, would be but slight, and if at the same time, by the distribution of the public funds, the entire press of the State is benefited to any extent, it is an object for favorable consideration. Nothing has more contributed to the prosperity of Texas, than the energy and perseverance of the press. It is a powerful auxiliary to freedom everywhere, and when actuated by that feeling of responsibility which points towards impressing the public mind, by means of correct information, with a true sense of right, and a proper moral tone, rising above the bickerings of party, or personal abuse, it may be relied on as one of the bulwarks of liberty, to be sustained and defended by every free people.

I would suggest to the Legislature the propriety of adopting such measures as will urge upon Congress the justice of paying to Texas the balance now in the Treasury of the United States, on account of our public debt. In the present condition of our Treasury, this amount becomes important. Texas is entitled to it, and should receive it without delay.

The time has again arrived, when an examination of the affairs of the State Penitentiary is called for. An investigation of its financial and sanitary condition is necessary, that the Legislature may be able to judge as to the legislation necessary to sustain it properly.

The law passed by the last Legislature, which grants a pre-emption privilege for every three negroes an individual may own, is, in my opinion, based upon erroneous ideas of the institution of slavery, calculated to create distinctions between rich and poor, and to confer exclusive benefits upon one class of our citizens at the expense of the other, and recognizes the idea that government is bound to make the rich richer, and the poor poorer. In the eye of the law, all men should stand equal. To draw a distinction between those of our population who have not been able to acquire slaves, and those who have, is, in my opinion, impolitic, and I respectfully commend to the Legislature the immediate repeal of the law.

I cannot refrain from congratulating the Legislature upon the triumph of conservatism, as seen in the many evidences of the determination of the masses of the people of the North, to abide by the Constitution and the Union, and to put down the fanatical efforts of misguided abolitionists, who would endanger the safety of the Union to advance their vapid schemes. That their efforts will so operate upon the impending struggle, as to stay the hand of slavery agitators, is to be hoped. This outspokening of the people should be received in our midst as the evidence,

that notwithstanding the ravings of deluded zealots, or the impious threats of fanatical disunionists, the love of our common country still burns with the fire of the olden time in the hearts of the American people. No where does that fire burn with more fervor, than in the hearts of the Conservative people of Texas. Satisfied that the men whom they elected at the ballot box, to represent them in Congress, will bear their rights safely through the present crisis, they feel no alarm as to the result. Texas will maintain the Constitution and stand by the Union. It is all that can save us as a nation. Destroy it, and anarchy awaits us.

We have in our own Constitution the adaptation of those principles of republicanism, which are the basis of the Constitution of the Union. The representatives of the people are called upon by the responsibilities of the trust reposed in them, to hold that instrument sacred and to construe it strictly. The Executive will guarantee on his part, that no watchfulness shall be spared in guarding over the public weal, or in maintaining the Constitution in its full intent and meaning.

SAM HOUSTON.

AUSTIN, January 13, 1860.

A message was received from the House; that the House had passed a bill to apportion the State of Texas into Senatorial and Representative districts.

On motion of Mr. Throckmorton, one thousand copies of the message was ordered to be printed for the use of the Senate.

On motion of Mr. Hart, two hundred and fifty copies of the report of the financial agent of the Penitentiary, was ordered to be printed.

Mr. Schleicher offered the following resolution :

Resolved, That 500 copies of the Governor's message be printed in the German and 250 in the Spanish language. Adopted.

The following bills were severally read 1st and 2nd times and referred to the committee on the Judiciary:

Bill to relieve O. K. Gibson from the disability of minority.

Bill to legalize the marriage between William Davis and Sarah Davis.

Bill to incorporate the town of Shelbyville

Bill to incorporate the Galveston Turner's Association.

Bill to incorporate the Galveston Casino.

Bill to legalize the marriage of C. B. and M. E. Wood.

Bill to legalize the marriage of Wm. H. Slain and Margaret Slain.

Bill to incorporate the town of Meridian.

Bill to remove the disability of minority from Tomas A. Rodriguez.

Bill to change the name of Sasan Allford to Susan Bell, and permit Abigail Bell to adopt her.

Bill for the protection of game on Galveston Island.

Bill to authorize Caleb Wilson to practice law in this State.

And a bill to amend the fourth section of an act passed February 13th, 1858, amendatory of an act regulating juries, approved 4th May, 1846.

The following bills were severally read 1st and 2nd times and referred to the committee on Private Land Claims.

Bill for the relief of Lyeurgus S. Roberts and James Lehed.

Bill for the relief of Charles Lockhart and John Welch.

Bill for the relief of legal representatives of Calvin Gage, dec'd.

Bill for the relief of the heirs of Wilson Edson, dec'd.

Bill for the relief of Peter B. Norton.

Bill for the relief of Andrew Mason assignet of Robert H. Andrews.

Bill for the relief of James H. Brown.

Bill for the relief of Alexander Miller.

And bill for relief of Louis Bouillett and Hetty O. Kohlman.

The following bills were severally read 1st and 2nd times and referred to the committee on Roads, Bridges and Ferries.

Bill to incorporate the East Fork Bridge Company.

Bill to incorporate the Sulphur and White Oak Bridge and Plank Road Company.

And bill to incorporate the Rock Ford Bridge Company.

The following bills were severally read 1st and 2nd times and referred to committee on the Court of Claims.

Bill for the relief of G. B. Brownrigg.

And Bill to validate bounty land certificate No. 4059.

The following bills were severally read 1st and 2nd times and referred to committee on Internal Improvements.

Bill to incorporate the Texas Telegraph Company.

And bill to amend an act to incorporate the Sabine and Rio Grande Railroad Company.

A bill to authorize the formation of town Agricultural Societies. Read 1st and 2nd times and referred to committee on Agriculture.

A bill for the relief of A. F. Smith. Read 1st and 2nd times and referred to the committee on Claims and Accounts.

A bill to change the south boundary line of Smith county. Read 1st and 2nd times and referred to the committee on County and County Boundaries.

Bill to incorporate Lodge No. 36, Independent Order of Odd Fellows, located at Clarksville Red River county Texas. Read 1st and 2nd times and referred to the committee on State Affairs.

Bill to authorize the commissioner of the General Land Office, to introduce the De Ryee method of printing and multiplying maps and drawings &c., or to establish a Photographic Bureau. Read 1st and 2nd times and referred to the committee on the General Land Office.

A bill to apportion the State into Senatorial and Representative districts (from the House.) Read 1st and 2nd times and referred to the committee on Apportionment.

Mr. Pitts by leave, introduced a bill for the relief of Isaac D. Steel. Read 1st and 2nd times and referred to the committee on Court of Claims.

Mr. Throckmorton by leave introduced a bill for the relief of Edward Hall. Read 1st and 2nd times and referred to the committee on the Court of Claims.

Mr. Herbert by leave, introduced a bill for the endowment of professorships in the College's, Academies and Seminaries of Texas. Read 1st and 2nd times and referred to committee on Judiciary.

Mr. Erath by leave, introduced a bill to incorporate Waco Female College. Read 1st and 2nd times and referred to committee on Education.

On motion of Mr. Herbert, the Senate adjourned until 10 o'clock A. M., on Monday.

MONDAY, January 16th, 1860.

Senate met pursuant to adjournment. Prayer by the Rev. J. W. Kinney—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Frath presented the petition of assignees of John Hen-week, for land. Referred to the committee on Public Lands.

Mr. Guinn presented the petition of Charles Clark, for land. Referred to the committee on the Court of Claims.

Mr. Quinan, from the committee on Internal Improvement. Reported the following bill and recommended its passage.

A bill amendatory of and supplemental to an act to encourage the improvement of the navigation of the rivers, and other navigable waters in Texas by making appropriations for the same, passed 23rd August, 1854. Read 1st time.

Mr. Potter, chairman of the committee on the Judiciary, to